

IPW

MAR 17 2005

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
9287ZYA

In Re Application Of: Colin L. Masters, et al.

TRADEMARK OFFICE
SEARCHED
SERIALIZED
INDEXED
FILED

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/716,924	November 19, 2003	O. N. Chernyshev	23389	1646	6426

Title: A METHOD FOR TREATING ALZHEIMER'S DISEASE

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Petition to Make Special (in duplicate)
Declaration of Geoffrey Kempler

in the above identified application.

No additional fee is required.

A check in the amount of \$130.00 is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.

- Charge the amount of
- Credit any overpayment.
- Charge any additional fee required.

Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: March 15, 2005

Xiaochun Zhu
Registration No. 56,311
Scully, Scott, Murphy & Presser
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Garden City, New York 11530
(516) 742-4343

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on March 15, 2005.


Signature of Person Mailing Correspondence

cc: XZ:ab

Typed or Printed Name of Person Mailing Correspondence



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Colin L. Masters et al.

Examiner: Chernyshev, O. N.

Serial No: 10/716,924

Art Unit: 1646

Filed: November 19, 2003

Docket: 9287ZYA

For: A METHOD FOR TREATING
ALZHEIMER'S DISEASE

Confirmation No.: 6426

Commissioner for Patents
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. §1.102 to make special the present application in accordance with the rules stated in MPEP 708.03 XII, entitled "Special Status for Applications Relating to Biotechnology Filed by Applicants Who Are Small Entities".

The present application has been assigned to Prana Biotechnology Ltd. ("Prana"). The subject matter of the present application relates to methods of treating Alzheimer's Disease. The attached Declaration of Mr. Geoffrey Kempler, the Executive Chairman of Prana, states that Prana is entitled to status as small entity, and that the present application is a major asset of Prana. Further, the Declaration Mr. Geoffrey Kempler states that development of the technology will be significantly impaired if examination of the application is delayed.

Accordingly, Applicants request that this Petition to Make Special be granted and that the application be granted special status.

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01 FC:1464

130.00 OP

A check in the amount of \$130.00 is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-1013/SSMP. A duplicate of this sheet is enclosed.

Respectfully submitted,



Xiaochun Zhu
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Encl.: Declaration of Geoffrey Kempler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Colin L. Masters *et al.*

Serial No.: 10/716,924

Filed: 19 November, 2003

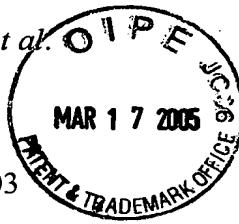
For: A METHOD FOR ASSAYING AND
TREATING ALZHEIMER'S DISEASE

Examiner:

Art Unit: 1646

Docket: 9287ZYA

Confirmation No.: 6426



Commissioner for Patents
Alexandria, VA 22313-1450

DECLARATION OF GEOFFREY KEMPLER

Sir:

I, Geoffrey Kempler, hereby declare as follows:

1. I, Geoffrey Kempler, am the Executive Chairman of Prana Biotechnology Ltd. ("Prana"). Prana is a small Australian based technology company that is seeking to provide a cure for one or more debilitating neurodegenerative diseases, including Alzheimer's Disease. Despite company size, Prana's key technology has been acknowledged in the top five most technically eligible methods for a potential cure of Alzheimer's Disease.

2. Prana qualifies as a small entity because the company, including affiliates, has only 17 employees and has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under 13 C.F.R. Part 121.

3. I have reviewed the above-identified application ("the '924 application") and I am familiar with Prana's assets. The subject matter claimed in the '924 application, namely, methods of treating Alzheimer's Disease with cation-binding agents, is a major asset of Prana; and

development of the technology that is the subject of the '924 application will be significantly impaired if examination of the application is delayed.

4. The subject matter claimed in the '924 application was first disclosed in its priority application, Serial No. 08/240,720 (the '720 application), which is Prana's very first application relating to treatment of Alzheimer's disease and which encompasses the basis of its platform technology - that underpins up to 90% of the company's research and development efforts. When the '720 application was first filed, the notion of using metal binding agents to treat Alzheimer's disease was not well-accepted and was considered somewhat heretical in the field of treatment of neurodegenerative diseases. This situation hampered the ability of the company to continue its research, and moreover, to attract capital investment to promote these research assets through to an eventual phase II clinical study in humans. Having achieved promising human data recently, new potential investors *now* interested in the technology have made clear that the ability of this company to protect its platform technology in the United States is critical for their investment, to support Prana's proposed clinical development. Accordingly, the speed and certainty with which Prana can continue and complete its clinical development of this technology would be significantly impaired whilst the technology *per se* remains unprotected and vulnerable to competitors as a result of a delayed examination of the '924 application.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the Application or any patent issuing therefrom.

Dated 17.02.2005

Signature 